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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,159	04/02/2001	Kenneth H. Abbou	294438008US1	2371
25096	7590	02/10/2004	EXAMINER	
PERKINS COIE LLP PATENT-SEA P.O. BOX 1247 SEATTLE, WA 98111-1247			HAILU, TADESSE	
			ART UNIT	PAPER NUMBER
			2173	8
DATE MAILED: 02/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/825,159

Applicant(s)

ABBOTT ET AL.

Examiner

Tadesse Hailu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-141 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-103 and 109-115 is/are allowed.
- 6) ☒ Claim(s) 104-108 and 116-141 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6,7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This Office Action is in response to the patent application (09/825,159) filed 4/2/2001.
2. The present patent application claims priority from US Application 09/216,193 filed 18 December 1998.
3. The submitted Information Disclosure Statements entered 7/16/2002 and 12/20/2002 are considered and entered into the application folder.

### ***Specification***

4. The disclosure is objected to because of the following informalities. Attorney Docket Nos. in the specification are not allowed. Please cancel all Attorney Docket Nos. in page 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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5. Claims 104-108, and 116-141 are rejected under 35 U.S.C. 102(e) as being anticipated by Burkey et al US Pat No. 6,446,076 B1.

With regard to claim 104:

Burkey allows a user to create a number of different personas (fig. 12) (a theme data structure) that aggregate profile information into sets that are useful in different contexts. As illustrated in fig. 12, multiple personas (home, office travel) about a user, wherein each personal includes a multiple attributes. After determining the contextual situation of a user, Burkey delivers appropriate information that satisfies the user intention (column 30, lines 51-67; column 31, lines 1-28; column 32, lines 4-26).

With regard to claim 105:

As per "the theme data structure further comprises an indication of at least one type of response that is appropriate to the contextual situation." (See column 31, lines 29-column 32, lines 3).

With regard to claim 106:

As per "the theme data structure further comprises an indication of a theme layout that specifies information appropriate to the contextual situation and that specifies a manner of presenting the specified information." (See column 29, lines 41-49).

With regard to claim 107:

As per "the criteria for determining the values of the context attributes are the determined values." (See column 30, lines 4-36; column 34, lines 10-35).

With regard to claim 108:

Claim 108:

In addition what is claimed in claim 104, claim 108 calls for a computer-readable generated data signal transmitted via a transmission medium. Again, in addition to the reason given for the rejection of claim 104, Burkey illustrates generated data signal transmitted via a transmission medium (see e.g. fig. 17, column 33, lines 33-53).

With regard to claim 116:

Burkey describes a method for providing an appropriate response to at least one of multiple personas, each of the personas representing a contextual situation (e.g., user at home, or at office) and each associated with at least one type of response that is appropriate to the represented contextual situation of that persona (column 30, lines 51-67; column 31, lines 1-28; column 32, lines 4-26). Burkey further describes receiving an indication of a current persona (column 33, lines 33-53; column 38, lines 16-34). Burkey further describes selecting one of the types of responses that are associated with the current persona (column 38, lines 35-44). Burkey further describes providing the selected type of response (see column 38, lines 65-column 39, lines 22).

With regard to claim 117:

As per "the represented contextual situations are contextual situations of a user of a computing device, and wherein the selected type of response is provided to the user." (See column 33, lines 18-53, and fig. 17).

With regard to claim 118:

As per "the indication of the current theme is received from the user." (See column 33, lines 33-53).

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With regard to claim 119:

As per “receiving current contextual information about the user, and wherein the indication of the current theme is based on a determination that the current theme matches the received contextual information.” (See column 30, lines 34-50, column 32, lines 63-column 33, lines 18).

With regard to claim 120:

As per “receiving current contextual information, and wherein the indication of the current theme is based on a determination that the current theme matches the received contextual information.” (See column 30, lines 34-50, column 32, lines 63-column 33, lines 18).

With regard to claim 121:

As per “121. The method of claim 116 including: receiving an indication of a second current theme;” (see column 33, lines 33-53; column 38, lines 16-34); as per “selecting a second type of response that is one of the types of responses that are associated with the second current theme; and providing the selected second type of response.” (See column 38, lines 65-column 39, lines 22).

With regard to claim 122:

As per “the providing of the selected second type of response is concurrent with the providing of the selected type of response.” (See column 38, lines 66-column 39, lines 22).

With regard to claim 123:

As per “the receiving of the indication of the second current theme occurs after the providing of the selected type of response.” (See column 38, lines 17-34).

With regard to claim 124:

As per “the indication of the second current theme is received from a user to whom the selected type of response was provided.” (See column 38, lines 66-column 39, lines 22).

With regard to claim 125:

As per “the providing of the selected type of response includes presenting information to a user that is appropriate to the contextual situation for the current theme.” (See column 38, lines 66-column 39, lines 22).

With regard to claim 126:

As per “the providing of the selected type of response includes providing functionality to a user that is appropriate to the contextual situation for the current theme.” (See column 38, lines 66-column 39, lines 22).

With regard to claim 127:

As per “after the providing of the selected type of response, receiving an indication to change the provided type of response in a specified manner, and providing in response a new type of response that is consistent with the indicated change.” (See column 31, lines 29-48; column 38, lines 66-column 39, lines 22).

With regard to claim 128:

As per “the indication to change the provided type of response is received from a user to whom the selected type of response was provided.” (See column 33, lines 19-53).

With regard to claim 129:

As per “each of the themes includes multiple indications of distinct types of contextual information that are present in the contextual situation represented by the theme.” (See column 31, lines 1-48).

With regard to claim 130:

As per “each of the multiple indications of distinct types of contextual information includes an indication of a contextual attribute and of at least one possible value for the contextual attribute.” (See column 32, lines 4-26).

With regard to claim 131:

As per “each of the themes has at least one associated theme layout that specifies types of information appropriate to the contextual situation represented the theme, and wherein the providing of the selected type of response for the current theme includes presenting the types of information specified by one of the theme layouts associated with the current theme.” (See column 31, lines 1-48).

With regard to claim 132:

As per “each of the theme layouts further specify presentation logic to adapt presentation of the specified types of information based on a current context at the time of the presentation, and wherein the presenting of the specified types of information for the one theme layout includes using the specified presentation logic for the one theme



layout to adapt the presented information to the current context at the time of the presenting." (Column 29, lines 41-column 30, lines 33).

With regard to claim 133:

As per "after the presenting of the specified types of information for the one theme layout, modifying the presented specified types of information by using the specified presentation logic for the one theme layout to adapt the presented information to changes in the current context." (See column 31, lines 1-48).

With regard to claim 134:

As per "the theme data structure further comprises one or more indications of whether the determined values of at least some of the context attributes are required to match a contextual situation in order for the providing of the response to be appropriate." (See column 30, lines 34-50; column 32, lines 63-column 33, lines 17; column 38, lines 17-column 39, lines 22).

With regard to claim 135:

As per "the theme data structure further comprises an indication of a priority for the theme data structure to be used when selecting one of multiple theme data structures that match a current contextual situation." (See column 32, lines 63-column 33, lines 17; column 37, lines 39-42; column 40, lines 13-19).

With regard to claim 136:

As per "the theme data structure further comprises an indication of a group of related theme data structures to which the theme data structure belongs." (Figs. 12 and 13; column 31, lines 1-28).

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With regard to claim 137:

As per “the theme data structure further comprises an indication for at least one of the context attributes of a source from which values for those context attributes can be obtained.” (Fig. 17; column 9, lines 41-column 10, lines 4; column 33, lines 33-53).

With regard to claim 138:

As per “the theme data structure further comprises an indication of theme logic that analyzes values of at least one of the context attributes.” (see column 38, lines 17-34; column 48, lines 37-53).

With regard to claim 139:

As per “the theme data structure further comprises an indication of a privacy level that affects how information related to the theme data structure is shared with executing software components.” (see column 29, lines 24-40; column 34, lines 61-67).

With regard to claim 140:

As per “the theme data structure further comprises an indication of a security level that affects types of access to the theme data structure that are allowed.” (see column 29, lines 7-40).

With regard to claim 141:

As per “the theme data structure further comprises an indication of a permission level that affects types of activities that users can engage in with the theme data structure.” (see column 29, lines 7-23; column 33, lines 33-53).

**Allowable subject matter**

6. Claims 1-103, and 109-115 are allowed.

The following is an examiner's statement of reasons for allowance:

The examiner has carefully considered all the claims. The present invention relates to presenting information to a user. As recited in claim 1 a method in a wearable computing device for presenting appropriate information to a user based on at least one of multiple defined themes includes several steps not described in prior art of records. The steps in a wearable computing device includes receiving an indication of the multiple defined themes; receiving an indication of current context information about the user that includes current values for each of the plurality of context attributes; determining for each of the multiple defined themes whether the user is in the contextual situation modeled by the defined theme such that each of the context attributes specified for the defined theme has a current value indicated in the received current context information that matches one of the specified possible values associated with that context attribute; selecting a current theme from among multiple defined themes that are determined to have modeled contextual situations which the user is in, the current theme selected to have a highest associated priority among those defined themes; selecting one of the theme layouts associated with the selected current theme; and presenting information to the user that is appropriate to the selected current theme by gathering the information specified by the selected theme layout and presenting the gathered information in the manner specified by the selected

theme layout, so that the user receives information that is appropriate to a contextual situation in which the user is situated.

The prior art of records also fails to teach the limitations recited in claims 22-103. As recited in claim 100, the prior art of records also fails to recite a computer system for providing an appropriate response to a contextual situation based on at least one of multiple themes, a context being represented by a plurality of context attributes and their associated values, each of the themes representing a contextual situation by specifying multiple context attributes related to the contextual situation and by specifying criteria for determining values of the specified context attributes that match the contextual situation, each of the themes associated with at least one type of response that is appropriate to the contextual situation, comprising: means for receiving an indication of a context that includes values for at least some of the plurality of context attributes; means for identifying one of the multiple themes that matches the indicated context by using the specified criteria for the theme to determine that the included values of the indicated context contain values of the specified context attributes for the theme that match the contextual situation for the theme; and means for selecting one of the types of responses that are associated with the identified theme and for providing the selected type of response.

The prior art of records also fails to teach the limitations recited in claims 109-115. As recited in claim 109, the prior art of records also fails to recite a computer-implemented method for use on a wearable computer having a plurality of input devices worn by the user, the method comprising: under control of first and second

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attribute providing modules, receiving respective first and second data signals from at least two of the plurality of input devices worn by the user; under control of the first and second attribute providing modules, generating first and second attribute values in response to the first and second data signals, respectively, wherein the first and second attribute values each reflect a state of the user, a state of the user's physical surroundings, or a state of the user's logical data and telecommunications environment, and wherein the first and second attribute values together represent a thematic data set characterizing the user's context; under control of an attribute exchange module, receiving the first and second attribute values from the first and second attribute providing modules, respectively; under control of the attribute exchange module, storing the first and second attribute values; under control of at least one attribute processing module, receiving the first and second attribute values; and under control of at least one attribute processing module, providing an output signal in response to the first and second attribute values, wherein the output signal Models a characteristic of a current state of the user, and wherein the modeled Characteristic of the user's current state cannot be directly measured from the first and second attribute values.

Thus, prior art neither renders obvious nor anticipates the combination of claimed elements in light of the specification.

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 - 8:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Tadesse Hailu*

2/2/2004

  
**CAO (KEVIN) NGUYEN**  
**PRIMARY EXAMINER**  
*AV 2173*